



**ZONING ADMINISTRATOR
NOTICE OF DECISION**

Date: December 8, 2010
Applicant: Otay Ranch Montessori and Tutoring
Case No.: PCC-10-061
Address: 825 Kuhn Drive, Suite 104
Project Planner: Michael W. Walker

Notice is hereby given that on December 8, 2010 the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-10-061 filed by Maryzella Juarez representing the Otay Ranch Montessori and Tutoring Center ("Applicant"). The Applicant requests a CUP to establish a small educational and tutoring center ("Project"). The Project site is located at 825 Kuhn Drive, Suite 104 ("Project Site"), which is owned by Mike Vogt ("Property Owner"). The Project Site is zoned BC-2 (Business Center) by the Eastlake I Sectional Planning Area (SPA) Plan and designated Limited Industrial (IL) by the General Plan. The Project is more specifically described as follows:

The Otay Ranch Montessori and Tutoring Center is an educational and tutoring institution serving children between the ages of 4-6 based on the teaching philosophy of Dr. Montessori. The use is proposed to be established in an existing 1,285 square feet tenant space within a multi-tenant building located in a business park. The center teaches self-directed learning; flexible thinking; creative problem solving; with goal of developing empathetic, resilient individuals. The hours of operation would be Monday - Friday from 9:30 a.m. to 2:00 p.m. The center will have up to 10 children and two employees during operation hours. The use is permitted for five years as conditioned.

Planning staff reviewed the Project for compliance with the California Environmental Quality Act (CEQA), and has determined that the Project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (Existing Facilities) in accordance with the State CEQA Guidelines. No further environmental review is necessary.

The Zoning Administrator, under the provisions of CVMC Section 19.14.030 and the Eastlake I SPA Section IV 1.G.5 (Public and Semi-Public Uses), and has conditionally approved said request based upon the following findings of facts as required by CVMC Section 19.14.080:

1. **That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The use will provide children a variety of educational and tutoring services to enhance their growth and development in the arts, academics and social development. The use will provide

an educational benefit to the surrounding community conducted at a convenient and accessible location providing the amenities necessary to support the use.

2. **That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The use would operate weekdays between 9:30 a.m. and 2:00 p.m. serving up to 10 children and to two employees during operation hours. The use is conducted completely indoors in an existing building, and requires seven parking spaces per the Eastlake I SPA Plan. Three spaces will be provided for the center's employees, and will not conflict with the parking needs for other businesses. The CUP will be granted for a period of five years. For these reasons, the proposed use will not adversely impact the operation of adjacent businesses and will not be detrimental to the health, safety, and welfare of the persons, property and improvements in the vicinity.

3. **That the use will comply with the regulations and conditions specified in the code for such use.**

The approval of this conditional use permit is contingent on the Applicant and Property Owner's commitment to satisfy all conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code. The Applicant has committed to implement and satisfy all conditions of approval for the proposed use, and will comply with all applicable City zoning regulations. The conditions of this permit are approximately in proportion to the nature and extent of the impact created by the use in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the use.

4. **That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The use is in conformance with the City of Chula Vista General Plan and Eastlake I Business Center Sectional Planning Area (SPA) Plan. More specifically, the proposed use conforms to the Chula Vista General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-10-061, as described above subject to the following conditions and operational modifications:

- I. **The following conditions of approval shall be satisfied prior to issuance of the building permit for the project:**

- A. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to

the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Property Owner

Date

Signature of Applicant or Authorized Agent

Date

Building Conditions:

1. The Applicant shall comply with the 2007 California Building Code (CBC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Electrical Code (CEC), California Fire Code (CFC), 2008 California Energy Code, the Green Building Ordinance (CVMC 15.12) and all other locally adopted City and state requirements.

II. The following conditions shall be satisfied prior to occupancy:

Fire Conditions:

2. The building(s) shall be addressed in accordance with the following criteria:
 - 0 – 50ft from the building to the face of the curb = 6-inches in height with a 1-inch stroke
 - 51 – 150ft from the building to the face of the curb = 10-inches in height with a 1 ½ - inch stroke
 - 151 ft from the building to the face of the curb = 16-inches in height with a 2-inch stroke
3. The Applicant shall ensure the suite the center occupies is protected throughout by an approved automatic fire sprinkler system verified by the Fire Marshall.
4. The Applicant shall provide one fire extinguisher for every 3000 square feet and 75 feet of travel in any direction.

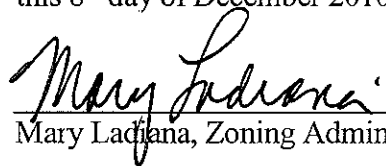
III. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

5. The Applicant shall maintain and operate the Project in accordance with the approved plans for PCC-10-061, date stamped on December 8, 2010, which includes a site plan and architectural elevations on file in the Planning Division, the conditions contained herein.
6. The Applicant shall maintain the Project as originally constructed for the duration of this Conditional Use Permit entitlement. Failure to comply with this condition shall be sufficient

grounds to revoke this Conditional Use Permit, or impose additional conditions as deemed appropriate by the Zoning Administrator.

7. Complaint(s) regarding this project alleging violation of the Municipal Code or conditions of approval of this Conditional Use Permit, which have been formally submitted to the Code Enforcement Division, but which have not been resolved to the satisfaction of the Director of Development Services, will cause this use permit approval to be reconsidered pursuant to C.V.M.C. Section 19.14.270. This procedure may result in a public hearing before the City Zoning Administrator to consider continuance, modification, revocation, or payment of applicable fines, as determined by the Zoning Administrator.
8. The Applicant shall operate the business weekdays between 9:30 a.m. and 2:00 p.m.
9. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant /Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant /Operator's successors and assigns.
10. This Conditional Use Permit authorizes only the use specified in the application for PCC-10-061. Any new use, modification/expansion of use, or activities not authorized under this Conditional Use Permit shall be subject to the review and approval of the Zoning Administrator.
11. This conditional use permit shall expire on December 8, 2015 five (5) years from the date of this Zoning Administrator approval. The Applicant may request an extension 30 days prior to expiration date from this conditional use permit approval. The Zoning Administrator shall review this use for compliance with the conditions of approval and any applicable codes and regulation, and shall determine, in consultation with the Applicant, whether the Project shall be modified from its original approval, denied or extended.
12. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA,
this 8th day of December 2010.



Mary Lachana, Zoning Administrator